

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-CR-233

JARRET L. ROBERTS,

Defendant.

ORDER DENYING MOTION FOR SENTENCE CREDIT

Jarret L. Roberts has filed a second motion seeking presentence credit on the 72-month sentence imposed on October 18, 2016, on his conviction for Unlawful Transport of Firearms. He again seeks sentence credit for the period from January 14, 2016 to October 18, 2016, when he was transferred from state custody via a writ and held at the Kenosha County Detention Facility.

The motion is denied. In federal cases, the determination of sentence credit is made by the Bureau of Prisons. *See United States v Wilson*, 503 U.S. 329 (1992). An adverse decision by the Bureau of Prisons or the Attorney General may be reviewed in an action under 28 U.S.C. § 2241 or possibly by a suit under the Administrator's Procedure Act. *Romandine v. United States*, 206 F.3d 731, 736 (7th Cir. 2000). But before doing either, a defendant must exhaust his administrative remedies through the Bureau of Prisons. There is no indication that Roberts has done so here.

In addition, it is not clear that Roberts was in federal custody during that time period. Federal prisoners awaiting resolution of charges in this court are typically housed in a local county jail, much like state prisoners awaiting the resolution of state charges. Roberts was sentenced to a term of incarceration in state court and may have received credit for the same time for which he

now seeks credit on his federal sentence. Regardless, this court is without authority to act on his request. His motion is therefore denied.

Dated at Green Bay, Wisconsin this 4th day of January, 2021.

s/ William C. Griesbach
William C. Griesbach
United States District Judge